

Notice of Allowability

Application No.

10/712,685

Examiner

Joseph W. Drodge

Applicant(s)

FREYDINA ET AL.

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE of 5/17/2010.
2. ☒ The allowed claim(s) is/are 1,3-7,10,11,13-20 and 28-31, now renumbered claims 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

EXAMINERS AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Elias Domingo on July 30, 2010.

The following claims have been amended as follows:

Claim 1. (Currently Amended) A method of producing treated water comprising:

introducing a first portion of water to be treated from a point of entry into a pressurized_vessel while introducing a second portion of the water to be treated from the point of entry into an electrochemical device;

removing at least a portion of any undesirable species from the second portion of the water to be treated in the electrochemical device while suppressing hydroxyl ion generation to produce treated water;

storing at least a portion of the treated water in a treated water zone of the pressurized_vessel, the treated water zone of the pressurized_vessel defined by at least one baffle separating the treated water from an untreated water zone containing water not treated by the electrochemical device; and

distributing at least a portion of the water from the pressurized_vessel to a point of use in a household; and

controlling at least one operating parameter of the electrochemical device depending upon volume of water in the treated water zone and volume of water in the untreated water zone of the vessel.

Claim 11. (Currently Amended) A method of producing treated water comprising introducing a portion of water to be treated from a point of entry into a first zone of a vessel;

introducing a portion of the water from the vessel into the electrodeionization device; applying an electrical current below through the electrodeionization device to promote removal of any undesirable species from the water and produce treated water; and

introducing at least a portion of the treated water from the electrodeionization device into a second zone of the vessel, the second zone separated from the first zone by at least one baffle; and

controlling at least one operating parameter of the electrodeionization device depending upon volume of water in the treated, second water zone and volume of water in the untreated, first water zone of the vessel .

Claim 17. (Currently Amended) A water treatment system comprising:
a water storage vessel fluidly connected to a point of entry, the water storage vessel
comprising a plurality of zones having water contained therein with differing water
quality
levels;

an electrochemical device fluidly connected to the point of entry and the water storage vessel, the water storage vessel containing at least one baffle and fluidly coupled to the electrochemical device so as to define at least two of the zones of differing water quality levels such that at least one zone contains water which has been treated by the electrochemical device and at least one zone contains water which has not been treated by the electrochemical device;

a power supply for providing an electrical current to the electrochemical device;
and

a controller system for regulating the electrical current below a limiting current density and operable for controlling at least one operating parameter of the electrodeionization device depending upon volume of water in a treated water zone and volume of water in an untreated water zone of the vessel.

The following is an examiner's statement of reasons for allowance: Independent claims 1, 11 and 17 now respectively distinguish over all of the applied prior art in view of combination of limitations concerning vessel baffles defining zones of water having been treated by the electrochemical (or electrodeionization) device and not having been treated by the electrochemical device and regulating or controlling at least one operating parameter of the electrochemical (or electrodeionization) device depending upon volume of water in such treated water zone and also in such untreated water zone. Support for the amendments to claims 1, 11 and 17 are found at page 14, line 27-page 15, line 21 of the instant Specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

JWD
7/31/2010
/Joseph W. Drodge/
Primary Examiner, Art Unit 1797